



PATENTS

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Applicant: Guo, Fangjiang Atty. Docket: 88164.000002
Serial No.: 10/062,957 Examiner: Piascik, Susan L.
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Title: SYSTEM FOR THE PRESENTATION OF ANIMALS TO BE MILKED AND METHOD

Appeal Brief Pursuant to 37 C.F.R. §1.192

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Real Party in Interest

The inventor is the sole owner of the application and is the real party in interest.

Related Appeals and Interferences

There are no other appeals or interferences known to appellant or the appellant's legal representative, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

Status of Claims

Claims 1-34 and 36-51 are pending in the application. Claims 1-34 and 36-51 are finally rejected and subject to the present appeal.

Status of Amendments

No amendments subsequent to the final action have been filed. An amendment, filed December 2, 2004, in response to the Office Action of June 3, 2004, was entered.

Summary of the Invention

The invention is a milking system including method and apparatus. One method aspect of the invention comprises:

a) rearwardly loading the animal into one of a plurality of milking stalls 20 (p.17, lines 19-20; see "A" in Figures 1 and 2) by passing the animal rearward through an ingress/egress gate 30 at one end of the stall (p.12, lines 18-20; p.17, lines 18-23); and

b) forwardly unloading the animal from the stall by passing forward through the ingress/egress gate 20 (p.17, lines 28-31; see Figures 1 and 2) directly into a common release area 180 (p.18, lines 21-24; see Figures 1 and 2).

The method can include one or more of the steps of:

a) rearwardly loading the animal into a milking stall 20 from a movable transport cart 70 (p.14, lines 5-10; p.18, lines 1-14; see Figures 1-3 and 7); and

b) forwardly unloading the animal from the milking stall 20 directly into a common release area 180 (p.18, lines 21-24).

The method also can include one or more of the steps of:

a) loading an animal onto a transport cart 70 (p.18, lines 1-4; see Figures 1-3 and 7);

b) translating the cart 70 to align it with an unoccupied milking stall 20 (p.18, lines 7-10);

c) moving the animal from the transport cart and into an unoccupied milking stall (p.18, lines 7-11); and

d) rearwardly unloading the animal into the unoccupied milking stall 20 from the transport cart 70 (p.18, lines 10-14).

Incidental to these method steps are the steps of:

a) milking the animal using a milking robot 42 (p.11, lines 12-23 and Figures 12-16);

b) monitoring animal specific data (p.16, lines 17-22);

c) locating an operator pit 50 adjacent the rear of the milking stall 20 (p.10, lines 9-10; Figures 1 and 2); and

c) having a movable platform 52 moving adjacent the rear of the milking stall (p.10, lines 27-29).

In its apparatus aspect, the invention is a milking parlor comprising:

a) a milking stall 20 to receive an animal to be milked from a transport cart 70 (p.14, lines 5-10), the milking stall having an ingress/egress end 30 (p.12, lines 18-20 and Figures 2-4); and

b) the transport cart 70 being translatable relative to the milking stall between a first position aligned with the ingress/egress end and a second position spaced from the milking stall (p.14, lines 5-7).

The milking stall may have a closed end 24 (p.12, line 3; Figure 1) with an operator pit 50 adjacent the closed end (p.12, line 4).

Issues

1. Whether Claims 1-3, 8, 9 and 11 are properly rejected under 35 U.S.C. §102(b) as being anticipated by Nelson (US 5, 203, 280).

2. Whether Claims 32, 33, 36-38, 41-45 and 47-48 are properly rejected under 35 U.S.C. §102(b) as being anticipated by Waybright (US 5, 483, 921).

3. Whether Claims 4, 6 and 7 are properly rejected under 35 U.S.C. §103(a) as being unpatentable over Nelson '280 in view of van der Lely (US 5, 771, 837).

4. Whether Claims 5, 12-14, 16, 19 and 21-27 are properly rejected under 35 U.S.C. §103(a) as being unpatentable over Nelson '280 in view of Waybright '921.

5. Whether Claim 10 is properly rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson '280 in view of Braum (US 4, 763, 605).

6. Whether Claims 15, 17, 18 and 29-31 are properly rejected under 35 U.S.C. §103(a) as being unpatentable over Nelson '280 in view of Waybright '921 and further in view of van der Lely '837.

7. Whether Claims 20 and 28 are properly rejected under 35 U.S.C. §103(a) as being unpatentable over Nelson '280 in view of Waybright '921 and further in view of Braum '605.

8. Whether Claims 34, 39, 40 and 49-50 are properly rejected under 35 U.S.C. §103(a) as being unpatentable over Waybright '921 in view of van der Lely '837.

9. Whether Claim 46 is properly rejected under 35 U.S.C. 103(a) as being unpatentable over Waybright '921.

10. Whether Claim 51 is properly rejected under 35 U.S.C. §103(a) as being unpatentable over Waybright '921 in view of Braum '605.

Grouping of Claims

For purposes of this Appeal, the Claims may be grouped as follows:

Claims 1-3, 8, 9 and 11 stand or fall together.

Claims 4, 6 and 7 stand or fall together.

Claims 5, 12-14, 16, 19 and 21 stand or fall together.

Claims 22-27 stand or fall together.

Claims 32, 33, 36-38 stand or fall together.

Claim 41 stands alone.

Claims 42-45 and 47 stand or fall together.

Claim 48 stands alone.

Claims 15, 17 and 18 stand or fall together.

Claims 29-31 stand or fall together.

Claims 34, 39 and 40 stand or fall together.

Claims 49 and 50 stand or fall together.

Claim 10 stands alone.

Claim 20 and 28 stand or fall together.

Claim 46 stands alone.

Claim 51 stands alone.

Argument

Applicant believes that a summary of the teachings of each of the cited and applied references will facilitate an understanding of Applicant's arguments.

Nelson, US 5, 203, 280 discloses a milking system wherein the animals enter a gate 58 and walk forward single file along a cow stand 14 and into a

herringbone, side-by-side position. When the cows are all positioned on the cow stand and in their respective milking stalls, they are urged rearward to position and hold them against a rail 16 at the rear of the stall for milking. After milking, the animals are urged in a forward direction away from the rail and out of the stall. Thus, the entrance and exit are at opposite ends of a stall; and there is no moving of an animal rearward through any end of the stall, let alone an ingress/egress end of the stall.

Waybright, US 5, 483, 921, discloses a milking system wherein the animals walk forward from a holding pen 14 and into stalls 46 that are on a car 22. The car then moves along a path 21 and, in transit, passes a plurality of aligned stations 26, 82, 30. At the end of the path is a milking station 32. The car is stopped at the milking station; and the animals, while still in the stalls on the car, are milked. After milking, the car is returned along a parallel path 23 to the starting point where the animals walk in a forward direction off the car and onto an unloading platform 16.

As noted above, the animals are milked on the car so there is no movement of the animal from the car and into a milking stall and no alignment of the car with the ingress/egress end of a milking stall.

van der Lely, US 5, 771, 837, discloses a milking system wherein animals held in a housing area 1 are enticed by feed to move one at a time head first into a selection stall 3 where transponders on each animal in conjunction with sensors at the selection stall determine if a given animal should be milked. If selected, the animal is allowed to move forward from the selection stall and into a milking stall 2. The animal is automatically connected to a milking machine for milking after which the animal leaves the milking stall head first and reenters the housing area. Sensors at the stalls collect certain animal-related data from each animal.

Braum, US 4, 763, 605, discloses a milking system that has side-by-side milking stalls 52 arranged in two parallel rows to either side of a space 54. The floor to either side of the space 54 and directly below each row of stalls 52 is sunken and accommodates a cart 184 that is movable along a path directly

below the stalls. The cart carries a person beneath the row of stalls for servicing each of the animals. The animals move in a forward direction into each stall 52 and are held in the stall for milking. After milking the animals move in a forward direction out of the stalls. Accordingly, the platform in Braum is movable in a path that extends directly beneath each animal (between the fore and hind legs) and not along a path adjacent the rear of the milking stall.

Thus, none of the references disclose backing an animal through an ingress/egress end of a milking stall, and none disclose moving an animal from a car and into a milking stall.

1. Claims 1-3, 8, 9 and 11 stand finally rejected under 35 U.S.C. 102(b) as being anticipated by Nelson '280.

A. In Nelson, the animals enter through a gate 58 at one end of the milking parlor and pass in single file along a cow stand. The animals in the single file form up into a herringbone pattern wherein the animals are in side-by-side stalls and the head of each animal extends through a gate 20. Each animal then is urged rearward to butt up against a rump rail 16. After milking, the gate 20 opens and the animals are each released in a forward direction away from the cow stand. Thus, as perceived by the Applicant, Nelson '280 discloses a method involving passing all the animals in a forward direction through the sole ingress gate 58 at an inlet end of the parlor and then, after milking, passing each animal in a forward direction through the separate egress gates 20 to exit the cow stand (or milking stall). There is no ingress/egress end of the milking stall, and there is no urging of an animal rearward through an ingress/egress end of the stall.

The method thus disclosed by Nelson '280 requires that

- ingress and egress be separate one from the other, and that
- the animal travel in a forward direction both on entering and on leaving the milking stall.

B. Independent Claim 1 (and dependent Claims 2, 3, 8, 9 and 11) recites a method wherein the ingress and egress of the animal occurs through the same end of the stall with the ingress being in a rearward direction and the egress

being in a forward direction. In the terminology of the claim, the method comprises:

- “(a) rearwardly loading the animal into one of a plurality of milking stalls through an ingress/egress end of the stall; and
- “(b) forwardly unloading the animal from one of the milking stalls by passing the animal forward through the ingress/egress end”.

These method steps involving use of a common ingress/egress end including rearwardly passing the animal through this end into the stall and the forward passing of the animal through this end out of the stall are all method steps not disclosed by the reference.

For a rejection under 35 U.S.C.102(b) to stand, each element of the claim must be found in a single reference. As this is not the case here, the rejection of Claim 1 (and dependent Claims 2, 3, 8, 9 and 11) cannot be sustained.

2. Claims 32, 33, 36-38, 41-45, 47 and 48 stand rejected under 35 U.S.C. 102(b) as being anticipated by Waybright '921.

A. In Waybright, the animals walk head first from a loading pen 14 first into a loading station 24 and then into stalls 46 arranged side-by-side on a car 22. The car moves along a forward segment 21 of a path that carries the animals through a sequence of stations 26, 28 and 30 (holding about 12 minutes at each station) until a milking station 32 is reached at the end of the path. At the milking station, the car is stopped and an operator connects each animal on the car to milking machines (see col. 6, lines 53-57). After milking, the car first is moved to a transfer station 36 and then back along a parallel segment 23 to an unloading or exit station 38 (the exit station 38 being adjacent the loading station 24). At the unloading station, the animals are moved off of the car (and out of the stalls 46) head first.

The Examiner considers that Waybright teaches translating a transport cart relative to milking stalls 32 and moving the animal into the stall (Final Rejection, p. 4). However, as perceived by the Applicant, Waybright '921 discloses a method and associated apparatus involving:

- moving the animals head first into stalls 46 arranged on a car 22;
- moving the car to a milking station 32 and milking the animals while they remain in the stalls 46 on the car 22;
- moving the car 22 back towards the point of beginning; and
- moving the animals in a head-first direction out of the stalls 46 and off of the car 22.

B. Independent Claim 32 (and dependent Claims 33 and 36-38) recites the method steps of:

- “(b) translating the first animal transport cart ... to a plurality of milking stalls to operably locate the transport cart with respect to an unoccupied milking stall; and
- “(c) moving an animal from the transport cart and into the unoccupied milking stall.”

In the reference, there is no moving of an animal on a car to an unoccupied milking stall because the stalls are on the car. The reference discloses moving an animal into an unoccupied stall on the car, but there can be no moving of the car itself to an unoccupied milking stall because the stalls are themselves on the car.

As a further distinction, the reference lacks any disclosure of “moving the animal from the transport cart and into the unoccupied milking stall”. This is because in the reference, milking occurs while the animal remains in the stall on the car.

Accordingly, the reference fails to anticipate the invention as set out in independent method claim 32 in that the reference fails to disclose at least the steps of:

- moving the animal on a transport cart to “locate the transport cart with respect to an unoccupied milking stall”; and
- “moving the animal from the transport cart and into the unoccupied milking stall.”

As the reference fails to disclose claimed method steps, the rejection of independent Claim 32 (and dependent Claims 33 and 36-38) under 35 U.S.C. 102(b) as being anticipated by Waybright '921 cannot be sustained.

C. Dependent Claim 41 includes all the limitations of Claim 32, so the arguments noted above are repeated. In addition, it is pointed out that the reference clearly describes a method of moving the animals head first onto stalls 46 arranged on the car 24 and then moving the animals head first out of the stalls and off the car. There is no disclosure of "urging the animals rearwardly into the milking stall" as set out in Claim 41. Accordingly, the rejection of Claim 41 as being anticipated by Waybright cannot be sustained.

D. Independent Claim 42 (and dependent Claims 43-45 and 47) is distinguished in several respects.

Claim 42 recites "a milking stall to receive an animal to be milked from a transport cart". Waybright discloses a car 22 having stalls 46, so there is no reception of an animal into a stall from the car.

The claim further recites that the stall receiving the animal from the cart has an "ingress/egress end". Waybright discloses walking the animals head first into a stall 46 (which is on the cart) at one end of the stall (from loading station 24) and then walking the animal head first from the stall at an opposite end of the stall (at exit station 38) so there is no "ingress/egress end".

The claim recites that the transport cart is "translatable relative to the milking stall between a first position aligned with the ingress/egress end of the milking stall". In Waybright, the stalls 46 are on the car and therefore the stalls themselves translate.

As Waybright fails to disclose each of the elements noted above, the rejection of Claim 42 (and dependent Claims 43-45 and 47) as being anticipated by Waybright cannot be sustained.

E. Dependent Claim 48 has a "released area adjacent the ingress/egress end". Waybright discloses a released area (the unload platform 16), which is at an egress end of the stalls 46 opposite the ingress end (adjacent loading station 24). Since Waybright does not disclose having the released area at the

ingress/egress end of the stall, it cannot anticipate the claimed invention; so the rejection of Claim 48 as being anticipated by Waybright cannot be sustained.

4. Claims 4, 6 and 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson '280 in view of van der Lely '837.

A. van der Lely '837 discloses a milking system wherein animals held in a housing area 1 are enticed by feed to move one at a time head first into a selection stall 3 where transponders on each animal in conjunction with sensors at the selection stall determine if a given animal should be milked. If selected, the animal moves forward from the selection stall and into a milking stall 2. In the milking stall, the animal is automatically connected to a milking machine after which the animal leaves the milking stall head first and reenters the housing area. The reference further discloses monitoring certain criteria related to the animal being milked.

B. Dependent method Claim 4 adds to Claim 1 the step of aligning a milking robot with one of the milking stalls, Claims 6 and 7 add to Claim 1 the steps related to the monitoring of certain criteria. It is interesting to note that in both Nelson '280 and van der Lely '837, the animal first moves forward into a milking stall through one end and then moves forward out of the stall through an exit at the opposite end of the stall.

Accordingly, van der Lely '837 does not cure the deficiencies of Nelson '280 in that the resulting combination still would lack the Claim 1 steps of rearwardly loading into the stall and forwardly unloading from the stall through the same ingress/egress end of the stall. Consequently, the rejection of Claims 4, 6 and 7 as being unpatentable over Nelson '280 in view of van der Lely '837 cannot be sustained.

5. Claims 5, 12-14, 16, 19 and 21-27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson '280 in view of Waybright '921.

A. Independent method Claim 12 (and dependent Claims 5, 13, 14, 16, 19 and 21) requires:

“rearward loading ... into a milking stall from a movable transport cart” and

“forwardly unloading ... from the stall directly into a common released area”.

As discussed above, both Nelson ‘280 and Waybright ‘921 disclose moving an animal in a head-first direction into a stall and then moving the animal in a head-first direction out of an opposite end of the stall. Neither disclose a “rearward loading” of the animal into a stall. Accordingly, adding the Waybright ‘921 car to Nelson ‘280 does not cure the Nelson’s lack of a rearward movement to load an animal into a stall. In addition, the teaching of Waybright ‘921 is that the animal is milked on the car. Accordingly, moving an animal from the car and into a milking stall is contrary to the Waybright teachings.

Identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. Even if each of the elements were present, the references lack the teaching, motivation or suggestion to make the proposed combination. In this case, the combination is even more remote because the references together do not even disclose all the elements.

In particular, each of the references lack at least three of the claimed features:

- rearward loading into a stall;
- loading from a transport cart into a stall; and
- rearward loading from a transport cart into a milking stall.

As the references do not disclose all of the claimed elements, the combination proposed by the Examiner would still fall short of the claimed invention, so the rejection of Claim 12 (and dependent Claims 5, 13, 14, 16, 19 and 21) cannot be sustained.

B. Independent method Claim 22 (and dependent Claims 23-27) recites loading an animal onto a transport cart, “translating the transport cart to an unoccupied milking stall” and then “rearwardly loading the ... animal into the unoccupied milking stall from the transport cart.”

As described above, Waybright '921 milks the animals in stalls on the cart so there is no translation of the cart "to align with an unoccupied milking stall" nor is there a "rearwardly loading ... into the unoccupied milking stall from the transport cart." Accordingly, Waybright does not cure the deficiencies of Nelson '280, so the rejection of Claim 22 (and dependent Claims 23-27) cannot be sustained.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson '280 in view of Braum (US 4,763,605).

A. In Braum '605, the sunken floor 64 accommodates a cart 184 for carrying a person directly beneath a row of milking stalls 52 for servicing each of the animals. (Note: the path of the cart is not adjacent the rear of the stalls as stated by the Examiner, see Figure 11 wherein the operator is between the front and hind legs of the animal.) The animals move in a forward direction into each stall 52 and are held in the stall for milking. After milking, the animals move in a forward direction out of the stalls.

B. Claim 10 includes all the limitations of Claim 1, from which it depends, and adds the step of "moving a movable platform ... to a second position adjacent a rear end of the milking stall". While Braum '605 may show moving a platform, the path traveled by the platform is directly beneath the animal and not adjacent the rear end of the stall as claimed.

Also in Braum, moving the platform beneath the animal is described in the context of a system wherein the animals move in a head-first direction into one end of the stall and in a head-first direction out of the other end of the stall. Accordingly, as neither Nelson '280 nor Braum '605 disclose "rearwardly loading the animal ... through an ingress/egress end" and then "forwardly unloading the animal ... through the ingress/egress end", the combination proposed by the Examiner does not cure the deficiencies of Nelson in that at least two of the claimed steps still remain missing.

Braum even fails to disclose moving a platform to a position “adjacent a rear end of the milking stall” in that it clearly teaches moving the platform along a path that extends directly beneath the animal (between the fore and hind legs).

Accordingly, the rejection of Claim 10 under 35 U.S.C. 103(a) as being unpatentable over Nelson in view of Braum cannot be sustained.

7. Claims 15, 17-18 and 29-31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson ‘280 in view of Waybright ‘921 and further in view of van der Lely ‘837.

A. Dependent method Claims 15, 17 and 18 include all the limitations of Claim 12 including “rearwardly loading the animal into a milking stall from a movable transport cart”. Claim 15 adds the step of aligning a milking robot with one of the milking stalls, and Claims 17 and 18 add to Claim 12 steps related to the monitoring of certain animal-related criteria.

As noted above, van der Lely discloses automatic milking and monitoring certain animal-related criteria. Even so, the rejection cannot stand as the combination of Nelson and Waybright lack any suggestion of moving an animal “into a milking stall from a movable transport cart” or of moving the animal “rearwardly ... into a stall from a movable transport cart”. This is particularly the case as van der Lely, similarly to both Nelson and Waybright, only discloses moving an animal in a head-first direction both for loading into a stall and for exiting the stall.

Accordingly, the rejection of Claims 15, 17 and 18 under 35 U.S.C. 103(a) cannot be sustained.

B. Method claims 29-31 depend from Claim 22 and therefore include all the limitations of Claim 22 including the steps of “translating the transport cart to align with an unoccupied stall” and rearwardly unloading the ... animal into the unoccupied stall from the transport cart.”

As previously indicated, neither Nelson nor Waybright teach or suggest aligning a cart with an unoccupied stall and then moving an animal rearwardly (tail first) into the stall from the cart. Accordingly, adding van der Lely to this

combination does not cure the deficiencies of the Nelson/Waybright combination. As the suggested combination falls far short of having all the features of method Claim 22, the steps of aligning a milking robot with the milking stall (Claim 29) or collecting certain animal-related data (Claims 30 and 31) would be even more remote. For these reasons, the rejection of Claims 29-31 under 35 U.S.C. 103(a) cannot be sustained.

8. Claims 20 and 28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson '280 in view of Waybright '921 and further in view of Braum.

Claim 20 and Claim 28 include all of the limitations of Claims 12 and 22 respectively. The arguments set out at paragraphs 5A and 5B are repeated and should themselves be sufficient to traverse the rejection. In addition, Applicant submits that even if the Nelson/Waybright combination is supplemented by the disclosure of Braum, the resulting combination still would lack the steps of rearwardly moving an animal (tail first) from a transport cart and into an unoccupied milking stall as set out in Claims 12 and 22. Moreover, as this step is neither suggested nor rendered obvious by any of the three applied references, there is no basis or motivation in the references themselves for making the suggested combination.

In addition, the proposed combination would also lack the step of moving the platform to a position "adjacent a rear end of the milking stall" (as Braum discloses the path of the platform should be below the animal and between its fore and hind legs).

Accordingly, for the reasons noted, the rejection of Claims 20 and 28 under 35 U.S.C. 103(a) cannot be sustained.

9. Claims 34, 39, 40, 49 and 50 stand rejected under 35 U.S.C. 102 (a) as being unpatentable over Waybright '921 in view of van der Lely ' 837.

A. Dependent method Claims 34, 39 and 40 include all the limitations of Claim 32 including the steps of "translating the ... transport cart ... relative to a

plurality of milking stalls to operably locate the transport cars with respect to an unoccupied milking stall” and “moving the animal from the transport cart and into the unoccupied stall”. Dependent Claim 34 adds the step of aligning a milking robot with one of the milking stalls, and Claims 39 and 40 add steps related to the monitoring of certain animal related criteria.

As noted above, Waybright does not disclose moving an animal from a cart and into a milking stall. In fact, the reference teaches away from doing so in that it specifically teaches having the animal remain in a stall and on the car during the milking process. The van der Lely ‘837 reference does not cure this defect. Even assuming for the sake of argument that there is a basis for combining the references, the resulting combination would, at most, include locating the robotic milking arm and monitoring animal-related criteria in connection with the milking of an animal on the translatable cart. This is not the invention claimed in method Claims 34, 39 and 40, as there is no translating of the cart to operably locate it with respect to an unoccupied milking stall and no moving of the animal from the cart and into the unoccupied milking stall.

For these reasons, the rejection of Claims 34, 39 and 40 under 35 U.S.C. 103 (a) as being unpatentable over Waybright in view of van der Lely cannot be sustained.

B. Dependent apparatus Claims 49 and 50 include all of the limitations of Claim 42 including “a milking stall to receive an animal ... from a transport cart, the milking stall having an ingress/egress end” and a transport cart that is translatable between a position “aligned with the ingress/egress end of the milking stall” and a remote position. Claim 49 adds a robotic milking arm and Claim 50 adds a RFID reader to the Claim 42 apparatus.

Waybright does not disclose milking stalls separate and apart from the cars 22, let alone a milking stall that has an ingress/egress end (that is, the same end of the stall providing both ingress and egress). Therefore, Waybright can neither disclose nor suggest a car that is translatable so as to “align with the ingress/egress end of the milking stall”. The van der Lely disclosure does not

cure this defect so the proposed combination, even if it could be made, would still fall far short of the invention as set out in Claims 49 and 50.

Accordingly, the rejection of Claims 49 and 50 under 35 U.S.C. 103(a) as being unpatentable over Waybright in view of van der Lely cannot be sustained.

10. Claim 46 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Waybright '921.

Dependent apparatus Claim 46 includes all the limitations of both Claims 43 and 42. Accordingly, Claim 46 includes the limitations that there is a milking stall having an ingress/egress end and a transport cart that is movable to this ingress/egress end. Claim 46 adds a gate to the ingress/egress end wherein the gate "rotates about a horizontal axis".

As previously stated, Waybright fails to disclose a stall having an ingress/egress end or a cart that is movable to this end of the stall. As Waybright fails to disclose a stall having the claimed ingress/egress end, it certainly cannot render obvious adding a gate to the undisclosed stall and then providing for the rotation of the gate about a horizontal axis.

Accordingly, the rejection of Claim 46 under 35 U.S.C. 103(a) cannot be sustained.

11. Claim 51 stands rejected under 35 U.S.C. 103 (a) as being unpatentable over Waybright '921 in view of Braum '605.

Dependent apparatus Claim 51 includes all the limitations of Claim 42 including a milking stall "having an animal ingress/egress end" and a transport cart movable from a "positioned aligned with the ingress/egress end of the milking stall and a second position spaced from the milking stall". As pointed out previously, Waybright does not teach a stall having an "ingress/egress end". Instead, the Waybright stalls 46 each load from one end and unload from an opposite end, so there is no entrance and exit at the same end of the stall as set out in Claim 42. Neither does Waybright have a cart that moves to the ingress/egress end of the milking stall. This is because in Waybright the animals

are milked while they are in stalls on the cart, so there is no milking stall that is arranged "to receive an animal to be milked from a transport cart".


Claim 51 adds to Claim 42 a platform that is movable to a "position adjacent a rear end of the milking stall". Braum fails to cure the deficiencies of Waybright. In Braum, the animals move in a forward direction into each stall 52 and after milking the animals move in a forward direction out of the stalls. Braum also fails to disclose the platform as set out in Claim 51. This is because the Braum platform is movable along a path that extends directly beneath the animal (between the fore and hind legs) and is not movable to a position "adjacent a rear end of the milking stall" as set out in Claim 51.

Accordingly, as the proposed combination still lacks several of the claimed elements, the rejection of Claim 51 under 35 U.S.C. 103(a) cannot be sustained.

Conclusions

For the reasons as stated above, Applicant respectfully submits that all the claims subject to the present Appeal, namely Claims 1-34 and 36-51 are in condition for allowance and that the rejection of the claims under both sections 102(b) and 103(a) of the Patent Law should be reversed.

Respectfully submitted,



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Appendix, Claims on Appeal

1. A method of presenting an animal to be milked, the method comprising:
 - (a) rearwardly loading the animal into one of a plurality of milking stalls by passing the animal rearward through an ingress/egress end of the stall; and
 - (b) forwardly unloading the animal from the one of the plurality of milking stalls by passing the animal forward through the ingress/egress end and directly into a common released area, each milking stall having its own unique exit path extending from the milking stall to the common released area.
2. The method of Claim 1, further comprising milking the animal prior to forwardly unloading the animal from the one of the plurality of milking stalls.
3. The method of Claim 1, further comprising passing the animal through an ingress/egress gate located at the ingress/egress end of the stall upon rearwardly loading the animal into the one of the plurality of milking stalls.
4. The method of Claim 1, further comprising operably aligning a milking robot with the one of the plurality of milking stalls prior to forwardly unloading the animal from the one of the plurality of milking stalls.

5. The method of Claim 1, further comprising loading the animal to be milked onto a transport cart and rearwardly loading the animal from the transport cart into the one of the plurality of milking stalls.

6. The method of Claim 1, further comprising monitoring animal specific data prior to unloading the animal from the one of the plurality of milking stalls.

7. The method of Claim 6, further comprising matching the monitored animal specific data with a corresponding identified animal.

8. The method of Claim 1, further comprising locating an operator pit adjacent a rear end of the milking stall.

9. The method of Claim 1, wherein the unique exit path associated with one of the plurality of milking stalls is parallel to a unique exit path associated with a second one of the milking stalls.

10. The method of Claim 1, further comprising moving a moveable platform from a spaced first position to a second position adjacent a rear end of the milking stall.

11. The method of Claim 1, further comprising simultaneously rearwardly loading a second animal into a second one of the plurality of milking stalls.

12. A method of presenting an animal to be milked, the method comprising:

(a) rearwardly loading the animal into a milking stall from a moveable transport cart; and

(b) forwardly unloading the animal from the milking stall directly into a common released area.

13. The method of Claim 12, further comprising milking the animal prior to forwardly unloading the animal from the milking stall.

14. The method of Claim 12, further comprising passing the animal tail first through an ingress/egress gate upon rearwardly loading the animal into the milking stall.

15. The method of Claim 12, further operatively aligning a milking robot with the milking stall prior to forwardly unloading the animal from the milking stall.

16. The method of Claim 12, further comprising loading the animal to be milked onto a transport cart prior to rearwardly loading the animal into the milking stall.

17. The method of Claim 12, further comprising monitoring animal specific information prior to unloading the animal from the milking stall.

18. The method of Claim 17, wherein monitoring animal specific information includes machine reading a tag connected to the animal.

19. The method of Claim 12, further comprising locating an operator pit adjacent a rear end of the milking stall.

20. The method of Claim 12, further comprising moving a moveable platform from a spaced first position to a second position adjacent a rear end of the milking stall.

21. The method of Claim 12, further comprising loading a plurality of animals onto the transport cart.

22. A method of presenting an animal to be milked, the method comprising:

(a) loading a first animal onto a transport cart;

(b) translating the transport cart to align with an unoccupied milking stall;

and

(c) rearwardly loading the first animal into the unoccupied milking stall from the transport cart.

23. The method of Claim 22, further comprising translating the transport cart along a direction transverse to a longitudinal dimension of the milking stall.

24. The method of Claim 22, further comprising forwardly unloading the first animal from the milking stall.
25. The method of Claim 22, further comprising forwardly unloading the first animal from the milking stall into a released area.
26. The method of Claim 22, further comprising forwardly unloading the first animal from the milking stall into a released area along a unique path.
27. The method of Claim 22, further comprising loading a second animal onto the transport cart prior to unloading the first animal.
28. The method of Claim 22, further comprising moving a moveable platform from a first position spaced from the milking stall to a second position adjacent a rear end of the milking stall.
29. The method of Claim 22, further comprising aligning a milking robot with the milking stall.
30. The method of Claim 22, further comprising acquiring animal specific data from the first animal on the transport cart.

31. The method of Claim 22, further comprising reading a radio frequency identification tag on the first cow when the first cow is in the transport cart.

32. A method of presenting an animal to be milked in a milking parlor, the method comprising:

- (a) moving a first animal to be milked onto a first animal transport cart;
- (b) translating the first animal transport cart along a predetermined path relative to a plurality of milking stalls to operably locate the transport cart with respect to an unoccupied milking stall; and
- (c) moving the animal from the transport cart and into the unoccupied milking stall.

33. The method of Claim 32, further comprising forming a released area adjacent the plurality of milking stalls.

34. The method of Claim 32, further comprising operably locating a robotic arm with respect to the milking stall to dispose a milking claw into the milking stall.

35. **(Cancelled)**

36. The method of Claim 32, further comprising translating a second animal transport cart relative to the plurality of milking stalls.

37. The method of Claim 32, further comprising loading a plurality of animals onto the first animal transport cart.

38. The method of Claim 32, further comprising moving an ingress/egress gate from an open position to a closed position upon rearwardly loading the animal into the milking stall.

39. The method of Claim 32, further comprising acquiring data specific to a given animal during translation of the first animal transport cart.

40. The method of Claim 32, further comprising operably connecting a radio frequency identification reader to the first animal cart.

41. The method of Claim 32, further comprising urging the animal rearwardly into the milking stall by a distance independent of an adjacent milking stall.

42. A milking parlor comprising:

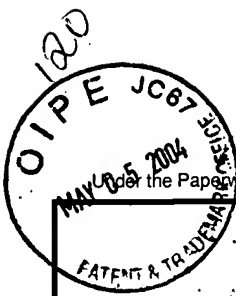
(a) a milking stall to receive an animal to be milked from a transport cart, the milking stall having an animal ingress/egress end; and

(b) the transport cart translatable relative to the milking stall between a first position aligned with the ingress/egress end of the milking stall and a second position spaced from the milking stall.

43. The milking parlor of Claim 42, further comprising an ingress/egress gate connected to the milking stall, the ingress/egress gate moveable between a closed position and an open position.
44. The milking parlor of Claim 43, wherein the ingress/egress gate is a lift gate.
45. The milking parlor of Claim 43, wherein the ingress/egress gate rotates about a horizontal axis.
46. The milking parlor of Claim 43, wherein the ingress/egress gate rotates about a vertical axis.
47. The milking parlor of Claim 42, wherein the milking stall includes a closed end opposite the ingress/egress end and further comprising an operator pit adjacent the closed end.
48. The milking parlor of Claim 42, further comprising a released area adjacent the ingress/egress end.
49. The milking parlor of Claim 42, further comprising a robotic arm connected relative to the milking stall and moveable between a milking position at least partially disposed within the milking stall and a retracted position at least partially disposed outside the milking stall.

50. The milking parlor of Claim 42, further comprising a RFID reader connected to the transport cart.

51. The milking parlor of Claim 42, further comprising a moveable platform moveable between a first position spaced from the milking stall and a second position adjacent a rear end of the milking stall.



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